

Order

Michigan Supreme Court
Lansing, Michigan

December 27, 2007

Clifford W. Taylor,
Chief Justice

134661

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DAVID P. NEUHAUS,
Plaintiff-Appellee,

v

SC: 134661
COA: 274960
WCAC: 05-000243

PEPSI COLA METROPOLITAN BOTTLING
COMPANY and LUMBERMENS MUTUAL
CASUALTY COMPANY,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the July 3, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of whether the WCAC properly awarded an attorney fee on plaintiff's medical benefits award. In answering this question, the Court of Appeals shall consider whether the WCAC correctly construed the term "prorate," as it is used in MCL 418.315(1). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 27, 2007

Corbin R. Davis

Clerk